

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

In the matter of the Application of

YAHOO! INC.,

Applicant,

for the Determination of Reasonable License Fees.

Civil Action No. 41-1395 (WCC)

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the American Society of Composers, Authors and Publishers ("ASCAP"), the defendant in the above-captioned action, hereby appeals to the United States Court of Appeals for the Second Circuit from the judgment in this action dated January 14, 2009 (and entered on the docket, under seal, on January 16, 2009), and from all of the prior orders, opinions and rulings embodied therein.

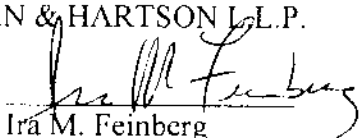
A copy of the redacted public version of the judgment, dated January 20, 2009 (and entered on the docket on January 23, 2009) is attached.

DATED: February 9, 2009
New York, New York

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:


Ira M. Feinberg

875 Third Avenue
New York, New York 10022
(212) 918-3000
(212) 918-3100 (fax)

WHITE & CASE, L.L.P.
Christopher J. Glancy
I. Fred Koenigsberg
Stefan Mentzer
1155 Avenue of the Americas
New York, New York 10036
(212) 819-8200
(212) 354-8113 (fax)

AMERICAN SOCIETY OF
COMPOSERS, AUTHORS AND
PUBLISHERS

Joan M. McGivern
Richard H. Reimer
One Lincoln Plaza
New York, New York 10023
(212) 621-6261
(212) 787-1381 (fax)

*Attorneys for Defendant American
Society of Composers, Authors and
Publishers*